REMARKS

The following remarks are provided in response to the Office Action dated January 30, 2004 in which the Examiner:

- objected to Figure 5 as being unclear and inconsistent with the specification;

- rejected claims 8-11 under 35 U.S.C. §112, first paragraph, as not reasonably conveying to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention;

- rejected claims 7, 14, and 17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter that the applicants regard as the invention;

- rejected claims 1-5, 7-12, 14-15 and 17 under 35 U.S.C. §103(a) as being anticipated by Bauer et al., "Hardware / Software Co-Simulation in a VHDL-based Test Bench Approach," Proceedings of the 34th Design Automation Conference, June 1997, pages 774-779 (hereinafter Bauer) in view of U.S. Patent No. 6,182,258 to Hollander.

The applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections.

Figures

The Examiner objected to Figure 5 for being unclear and inconsistent with the specification. The applicants have amended Element 152 of Figure 5 to read "CPU server invoking function calls" to conform to element 112 of Figure 1 and the as-filed

specification. The applicants have further amended Element 154 of Figure 5 to read "Hardware side access request to CPU server" to conform to page 18, lines 3-4 of the as-filed specification. Accordingly, the applicants respectfully submit that they have overcome the Examiner's objection to the drawings.

35 U.S.C. §112, first paragraph

The Examiner rejected claims 8-11 under 35 U.S.C. §112, first paragraph, as not reasonably conveying to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. For at least the foregoing reasons the applicants traverse the Examiner's rejection.

Specifically, the Examiner noted that independent claim 8 improperly recites the limitations "software component" and "hardware component." Claim 8 has been amended to recite a "software side" and a "hardware side" as described in page 18, lines 1-2 of the as-filed specification. Accordingly, the applicants respectfully request that the Examiner allow claim 8. Further, the applicants request that the Examiner allow claims 9-11 as each depends on patentable claim 8.

35 U.S.C. §112, second paragraph

The Examiner rejected claims 7, 14, and 17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter that the applicants regard as the invention. Claims 7 and 17 are herein canceled. Claim 14 has been amended to depend on claim 12. Accordingly, the applicants

respectfully assert that they have overcome the Examiner's §112, second paragraph rejection.

35 U.S.C. §103(a)

The Examiner rejected claims 1-5, 7-12, 14-15 and 17 under 35 U.S.C. §103(a) as being unpatentable over Bauer in view of Hollander. For at least the foregoing reasons the applicants traverse the Examiner's rejection.

A *prima facie* case of obviousness under 35 U.S.C. §103 requires, among other criteria, that ". . . the prior art reference (or references when combined) must teach or suggest **all** the claim limitations." (emphasis added) (See M.P.E.P. 706.02(j) and 2143.03). To overcome a §103(a) rejection, the applicants must only demonstrate that the cited prior art document or documents fail individually and in combination to teach or suggest one element or limitation present in the claim.

Currently amended independent claim 1 recites in a salient portion:

> . . . communicating command and control information between the CPU server and the CPU bus functional model over a network **according to an XBUS protocol.**
> (emphasis added)

Currently amended independent claims 8 and 12 recite a similar limitation. Claims 4 and 15 are herein canceled. Claims 18-23 have been added.

The Examiner relies on Bauer page 778, section 5.3, paragraphs 7 and 8 to teach that the network operates according to TCP/IP protocol. The applicants respectfully assert, however, that the cited portions of Bauer do not teach that the communication over the network accords to an XBUS protocol. Accordingly, the applicants affirm that

currently amended independent claims 1, 8, and 12 recite at least an element not taught by Bauer, either individually or in combination with Hollander.

As dependent claims 2-3, 5, 9-11, 14, and 18-23 depend from nonobvious independent claims, the dependent claims are also nonobvious. (See M.P.E.P. §2143.03 (citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988))).

CONCLUSION

For at least the foregoing reasons, the applicants submit that they have overcome the Examiner's rejections and that they have the right to claim the invention as set forth in the listed claims.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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_6/1/2004_
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